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Attorneys for Defendant Framatome, Inc.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRENDA BUCCARELLI and DINO	)	
BUCCARELLI,	)	No.
	)	
Plaintiffs,	)	<b>NOTICE OF REMOVAL</b>
	)	
vs.	)	
	)	
FRAMATOME, INC.,	)	
	)	
Defendant.	)	
	)	

Defendant Framatome, Inc., by and through its attorneys, James M. Kalamon and Paul S. Stewart of Paine Hamblen LLP, hereby gives notice of removal, pursuant to 28 U.S.C. § 1446, of the above-entitled action from the Benton County Superior Court to the United States District Court for the Eastern District of Washington.

NOTICE OF REMOVAL - PAGE 1

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SPOKANE, WASHINGTON 99201-3505  
PHONE (509) 455-6000

1           1.     The above-entitled action was filed on January 25, 2019, in Benton  
2 County Superior Court, under Cause No. 19-2-00319-03. Attached as Exhibit A  
3 is a true and correct copy of the Summons and Complaint, Civil Case Schedule  
4 Order, and the undersigned's Notice of Appearance, which constitute all the  
5 pleadings filed to date in the Benton County action.  
6

7  
8           2.     On February 5, 2019, Framatome was served via Corporate  
9 Creations, its registered agent, with a copy of the Summons and Complaint and  
10 Civil Case Schedule Order.  
11

12           3.     The case involves a claim of wrongful termination from  
13 employment.  
14

15           4.     This is a civil action of which this Court has original jurisdiction  
16 pursuant to 28 U.S.C. § 1332 (diversity jurisdiction) and is one which may be  
17 removed to this Court by Framatome pursuant to the provisions of 28 U.S.C. §  
18 1441(c).  
19

20           5.     Plaintiffs are citizens of the State of Washington. Exhibit A,  
21 Complaint at ¶ 1.1.  
22

23           6.     Framatome is incorporated in the State of Delaware and its  
24 principal place of business, the place where Framatome's officers direct, control,  
25 and coordinate the corporation's activities, i.e., Framatome's "nerve center,"  
26

1 *Hertz Corp. v. Friend*, 559 U.S. 77, 92–93, 130 S. Ct. 1181, 1192, 175 L. Ed. 2d  
2 1029 (2010), is located in Lynchburg, Virginia. Exhibit B, Declaration of David  
3 Royer. Thus, Framatome is a citizen of Delaware and Virginia. 28 U.S.C. §  
4 1332(c).

6 7. The Complaint does not state a specific dollar amount for money  
7 damages sought, but the amount in controversy exceeds \$75,000.

9 In determining the amount in controversy, the Court may consider past  
10 and future economic damages, emotional distress damages, punitive damages,  
11 and attorney fees. *Lamke v. Sunstate Equip. Co., LLC*, 319 F. Supp. 2d 1029,  
12 1032–33 (N.D. Cal. 2004). Framatome terminated Brenda Buccarelli’s  
13 employment on or about August 3, 2017. Decl. of D. Royer at ¶ 5. Brenda has  
14 allegedly not worked since. Compl. at ¶ 3.45. At the time of her termination,  
15 Brenda received a base salary of \$57,065 per year. Decl. of D. Royer at ¶ 6. In  
16 addition, Brenda received employment benefits. *Id.* at ¶ 7.

19 Plaintiffs’ Complaint seeks damages including “actual damages,  
20 compensatory, economic and noneconomic damages,” as well as injunctive and  
21 equitable relief, and attorneys’ fees. Compl. at ¶¶ 11.1 – 11.5. Plaintiffs’  
22 attorney fees on this case could alone exceed \$75,000. With Plaintiffs’ attorney  
23 fees added to the other alleged damages specified above, the amount in  
24  
25  
26

1 controversy exceeds \$75,000.

2 8. Thirty (30) days have not yet expired since this action became  
3  
4 removable by Framatome to the United States District Court, Eastern District of  
5 Washington.

6 9. Venue is proper in the Eastern District of Washington, pursuant to  
7  
8 28 U.S.C. § 1391(b), on the grounds that a substantial part of the events giving  
9 rise to the claim occurred within the Eastern District of Washington.

10 10. Pursuant to 28 U.S.C. § 1446(d), Framatome is giving written  
11  
12 notice of the removal of this action to counsel for the Plaintiffs and filing a copy  
13 of the written notice with the Benton County Superior Court Clerk.

14 WHEREFORE, Framatome requests that the above-entitled action be  
15  
16 removed from Benton County Superior Court to the United States District Court  
17 for Eastern District of Washington.

18 DATED this 1st day of March, 2019.

19  
20 PAINE HAMBLER LLP

21  
22 By: /s/ James M. Kalamon

23 JAMES M. KALAMON

24 WSBA No. 7922

25 PAUL S. STEWART

26 WSBA No. 45469

Attorneys for Framatome, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 1st day of March, 2019, I caused to be served the foregoing **NOTICE OF REMOVAL** by the method indicated below and addressed to the following:

<u>      </u>	VIA CM/ECF SYSTEM	William A. Gilbert
<u>  X  </u>	VIA U.S. MAIL (Postage Prepaid)	Ashley A. Richards
<u>      </u>	VIA OVERNIGHT MAIL	Gilbert Law Firm, P.S.
<u>      </u>	VIA FAX TRANSMISSION	421 West Riverside, Suite 353
		Spokane, WA 99201

      /s/ James M. Kalamon        
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